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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 5, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McKague, Mortimer, and Toryanski, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Sarah Webster, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Broadsword, Toryanski, and Bair were recorded present at this order of business.

SCR 127

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND INSTRUCTING THE INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY TO STUDY THE EFFECTS OF WIND FARMS IN IDAHO AND THE OWNERSHIP OF ENVIRONMENTAL ATTRIBUTES OF QUALIFYING FACILITIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho has, in the past few years, experienced significant growth in the number of wind and other renewable energy projects built or under development in Idaho; and

WHEREAS, there are economic, social and environmental impacts of wind energy development on the State of Idaho and its citizens that need further exploration by the Legislature; and

WHEREAS, renewable qualifying facilities under the Public Utility Regulatory Policy Act of 1978 have certain environmental attributes that have a monetary value to the owner thereof, related to the green tags, clean energy credits, renewable energy credits or renewable energy certificates, and the avoidance of emissions of pollutants from carbon-based forms of energy production; and

WHEREAS, there are important policy issues for the State of Idaho involved in the question of whether the environmental attributes of power produced by a renewable qualifying facility should be transferred to a public utility, without consideration, when the utility purchases the qualifying facility power at avoided cost, or whether environmental attributes should remain separately owned and transferable by the qualifying facility; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology has the technical expertise and experience to investigate, determine and report to the 2013 Idaho Legislature on the economic, social and environmental impacts of the wind industry on the State of Idaho; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology has the technical expertise and experience to investigate, determine and report to the 2013 Idaho Legislature on the question of whether power sold by a renewable qualifying facility to a utility at avoided cost should also transfer to a public utility, without consideration, the environmental attributes of that qualifying facility, or whether such environmental attributes should be retained by the qualifying facility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council Interim Committee on Energy, Environment and Technology shall investigate the economic, social and environmental impacts of wind energy development on the State of Idaho and its citizens, and report back to the 2013 Legislature its findings.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall investigate whether power sold by a renewable qualifying facility to a utility at avoided cost should also transfer to a public utility, without consideration, the environmental attributes of that qualifying facility, or whether such environmental attributes should be retained by the qualifying facility.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall seek the assistance of the Idaho Office of Energy Resources, the Idaho Public Utilities Commission, the Northwest Power Planning and Conservation Council and members of the public, in general, in conducting its investigation of the economic, social and environmental impacts of the wind industry, in determining the appropriate ownership of environmental attributes, and in preparing its report thereon.

SCR 128

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS, AND REJECTING AGENCY RULES THAT IMPOSE A FEE OR CHARGE THAT ARE NOT APPROVED BY THIS OR BY SEPARATE CONCURRENT RESOLUTION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that

impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Continuing Education Requirements, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Plumbing Safety Licensing, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2012 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket;

IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and

IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket; IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Sections 67-5224 and 67-5291, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not

included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

SCR 129

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH STATED EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2012 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 16.03.09, Department of Health and Welfare, Medicaid Basic Plan Benefits, adopted as a temporary rule under Docket Number 16-0309-1201, the entire rulemaking docket; and

IDAPA 26.01.36, Department of Parks and Recreation, Rules Governing the Winter Recreational Parking Permit Program, adopted as a temporary rule under Docket Number 26-0136-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-second Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2012 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-first Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

[SCR 127](#), [SCR 128](#), and [SCR 129](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

Senators McKague and Bilyeu were recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 2, 2012

The FINANCE Committee reports out [S 1359](#), [S 1360](#), [S 1361](#), [S 1367](#), and [S 1368](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1359](#), [S 1360](#), [S 1361](#), [S 1367](#), and [S 1368](#) were filed for second reading.

March 5, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 464](#), and [H 526](#) with the recommendation that they do pass.

PEARCE, Chairman

[H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 464](#), and [H 526](#) were filed for second reading.

March 5, 2012

The STATE AFFAIRS Committee reports out [HCR 34](#), [S 1335](#), [S 1343](#), [S 1363](#), and [S 1365](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[HCR 34](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1335](#), [S 1343](#), [S 1363](#), and [S 1365](#) were filed for second reading.

Senator Keough was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 2, 2012

Dear Mr. President:

I transmit herewith [H 600](#), [H 601](#), [H 602](#), and [H 558](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 600](#), [H 601](#), [H 602](#), and [H 558](#) were filed for first reading.

March 2, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 389](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 389](#) and ordered it returned to the House.

Senator Andreason was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Brackett and Cameron were recorded present at this order of business.

The President Pro Tempore announced that [SCR 125](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brackett, seconded by Senator Davis, [SCR 125](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that [SJM 105](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Lodge, seconded by Senator Rice, [SJM 105](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of J. Kirk Sullivan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Malepeai, the Gubernatorial appointment of J. Kirk Sullivan as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1372

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PROCUREMENT; AMENDING SECTION 67-2805, IDAHO CODE, TO REVISE PROCEDURES FOR PROCUREMENT OF PUBLIC WORKS CONSTRUCTION BY A POLITICAL SUBDIVISION; AND AMENDING SECTION 67-2806, IDAHO CODE, TO REVISE PROCEDURES FOR PROCURING SERVICES OR PERSONAL PROPERTY BY A POLITICAL SUBDIVISION.

S 1373

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LABOR; AMENDING SECTION 44-2007, IDAHO CODE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN PENALTY PROVISIONS; AMENDING SECTION 44-2008, IDAHO CODE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN CIVIL REMEDIES AND TO MAKE A TECHNICAL

CORRECTION; AND AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2809, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE "OPEN ACCESS TO WORK ACT," TO DEFINE TERMS, TO PROVIDE THAT THE STATE AND POLITICAL SUBDIVISIONS THAT CONTRACT FOR CERTAIN PUBLIC WORKS SHALL NOT REQUIRE CONTRACTORS, SUBCONTRACTORS, MATERIAL SUPPLIERS AND CARRIERS ENGAGED IN SPECIFIED ACTIVITIES ASSOCIATED WITH PUBLIC WORKS TO PAY THEIR EMPLOYEES A PREDETERMINED AMOUNT OF WAGES OR WAGE RATE OR A TYPE, AMOUNT OR RATE OF EMPLOYEE BENEFITS, TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT CERTAIN PROVISIONS IN BID DOCUMENTS, SPECIFICATIONS, PROJECT AGREEMENTS AND OTHER CONTROLLING DOCUMENTS FOR PUBLIC WORKS CONSTRUCTION CONTRACTS AND TO PROHIBIT CERTAIN CONDUCT, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT THE VOLUNTARY ENTRY INTO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING BY INTERESTED PARTIES, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT OR INTERFERE WITH RIGHTS OF EMPLOYERS OR OTHER PARTIES TO ENTER INTO AGREEMENTS OR ENGAGE IN ACTIVITIES PROTECTED BY THE NATIONAL LABOR RELATIONS ACT AND TO PROVIDE FOR SEVERABILITY.

S 1374

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2502, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 54-2505, IDAHO CODE, TO REVISE A CODE REFERENCE; AND AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE FOR WAGERING ON HISTORICAL HORSE RACES.

S 1375

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1376

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1377

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1378

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FLOODPLAIN ZONING ORDINANCES; AMENDING SECTION 46-1022, IDAHO CODE, TO PROVIDE THAT FLOODPLAIN ZONING ORDINANCES SHALL NOT REGULATE OR REQUIRE PERMITTING FOR CERTAIN ACTIVITIES RELATING TO IRRIGATION AND DRAINAGE WORKS PERFORMED OR AUTHORIZED BY THE OWNER OR OPERATOR OR FOR SPECIFIED ACTIVITIES RELATING TO CERTAIN IRRIGATION DELIVERY AND DRAINAGE SYSTEMS THAT ARE PERFORMED BY AN IRRIGATION DISTRICT, CANAL COMPANY, LATERAL DITCH WATER USERS' ASSOCIATION, DRAINAGE DISTRICT, OR OTHER LEGAL ENTITY THAT OWNS AND/OR OPERATES THE IRRIGATION DELIVERY SYSTEM OR DRAINAGE SYSTEM IN ACCORDANCE WITH SPECIFIED LAW; AND DECLARING AN EMERGENCY.

S 1379

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CITY IRRIGATION SYSTEMS; AMENDING SECTION 50-1801, IDAHO CODE, TO PROHIBIT SPECIFIED ACQUISITIONS THROUGH THE POWER OF EMINENT DOMAIN, TO AUTHORIZE CITIES TO ESTABLISH AND EXTEND CITY IRRIGATION SYSTEMS IN CERTAIN AREAS OF CITY IMPACT AND TO MAKE A TECHNICAL CORRECTION.

[S 1372](#), [S 1373](#), [S 1374](#), [S 1375](#), [S 1376](#), [S 1377](#), [S 1378](#), and [S 1379](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 600](#), [H 601](#), and [H 602](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 558](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 465](#) and [H 492](#), by Business Committee, were read the second time at length and filed for third reading.

[H 546](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 499](#), [H 521](#), and [H 534](#), by Education Committee, were read the second time at length and filed for third reading.

[H 441](#), [H 442](#), [H 500](#), and [H 501](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 472](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[S 1371](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of [S 1371](#) be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS—None.

Absent and excused—Andreason, Winder. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended and announced that [S 1371](#) was before the Senate for final consideration.

[S 1371](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick. Total - 32.

NAYS—None.

Absent and excused—Cameron, Werk, Winder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1371](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Hammond, granted by unanimous consent, [S 1295](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1293](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Cameron. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1293](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1338](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1338](#) passed, title was approved, and the bill ordered transmitted to the House.

President Little assumed the Chair.

[S 1341](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1341](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1350](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1350](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1351](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1351](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1352](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1352](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1353](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1353](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1354](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1354](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 484](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 484](#) passed, title was approved, and the bill ordered returned to the House.

[H 489](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 489](#) passed, title was approved, and the bill ordered returned to the House.

[H 517](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 517](#) passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

Moved by Senator Darrington, seconded by Senator Davis, that [H 449](#) be recommitted to the Judiciary and Rules Committee. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS—LeFavour, Malepeai, Schmidt, Werk. Total - 4.

Total - 35.

Whereupon the President declared that the motion prevailed and [H 449](#) was recommitted to the Judiciary and Rules Committee.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [S 1321](#), [S 1337](#), [S 1356](#), and [S 1336](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1321 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 36 through 42, and insert: "feeding account. Moneys in this account shall be used exclusively for the purposes of actual supplemental winter feeding of ~~and rehabilitation of winter range for~~ antelope, elk and deer. Moneys shall be used solely for the purchase of blocks, pellets and hay for such winter feeding purposes and/or for the purchase of seed or other material that can be shown to directly provide feed or forage for the winter feeding of antelope, elk and deer. The balance of moneys realized from this source may be used for the control of".

On page 2, delete lines 1 through 4, and insert: "depredation of private property by antelope, elk and deer and control of predators affecting antelope, elk and deer. Moneys in the feeding account shall not be used for any".

CORRECTION TO TITLE

On page 1, delete lines 4 and 5, and insert: "TO REMOVE A CONDITION RELATING TO THE USE OF MONEYS IN THE FEEDING ACCOUNT AND".

SENATE AMENDMENT TO S 1337 AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 46, delete "~~he knowingly the person~~" and insert: "he knowingly and willfully"; and delete lines 47 through 50, and insert:

"(a) Possesses or accesses through any means including, but not limited to, the internet, any sexually exploitative material; or

(b) Causes, induces, or permits a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing or making sexually exploitative material; or".

On page 4, delete lines 1 through 7, and insert:

"(b) Promotes, ~~p~~Prepares, ~~arranges for~~, publishes, produces, ~~promotes~~, makes, sells, finances, offers, exhibits, or advertises, ~~deals in~~, possesses, or distributes any sexually exploitative material; or";

also on page 4, in line 8, delete "(c)" and insert: "(d)"; also in line 8, delete "Knowingly distributes" and insert: "Distributes"; in line 21, following "(b)" insert: ";"; and in line 22, delete "and (2)" and following "(c)" insert: "and (d)".

CORRECTION TO TITLE

On page 1, in line 5, delete "AND" and insert: ";"; and in line 7, following "TIES" insert: "AND TO MAKE A TECHNICAL CORRECTION".

SENATE AMENDMENT TO S 1356 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 40, following "an amount not less than the" insert: "current".

SENATE AMENDMENT TO S 1336 AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 47 through 50, and insert:

"(c) The presumption created in this subsection may be rebutted by medical evidence presented to the Idaho industrial commission showing that the firefighter's disease was not proximately caused by his or her duties of employment. If the presumption is rebutted by medical evidence then the firefighter or the beneficiaries must prove that the firefighter's disease was caused by his or her duties of employment.".

The Committee also has [S 1357](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

[S 1321](#), as amended, [S 1337](#), as amended, [S 1356](#), as amended, and [S 1336](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 5, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1321](#), [S 1337](#), [S 1356](#), and [S 1336](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2012

The JUDICIARY AND RULES Committee reports that [S 1321](#), as amended, [S 1337](#), as amended, [S 1356](#), as amended, and [S 1336](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1321](#), as amended, [S 1337](#), as amended, [S 1356](#), as amended, and [S 1336](#), as amended, were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1321](#), as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

[S 1337](#), as amended, and [S 1356](#), as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

[S 1336](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, March 6, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary